

FOR IMMEDIATE RELEASE: March 30, 2018
CONTACT: Mark Bowden, (515) 242-3268 or
mark.bowden@iowa.gov

Public hearing at 8:30 a.m. April 4 on rule to receive cannabidiol recommendations

DES MOINES, IA – A public hearing will be held at 8:30 a.m. Wednesday, April 4, 2018, on a proposed administrative rule to establish the process by which the Iowa Board of Medicine receives and approves quantity and form recommendations from a new state advisory panel involved with the implementation of the state's expanded program on medical cannabidiol. The hearing will be held at 400 SW Eighth Street, Suite C, Des Moines.

Under 2017 Iowa Acts, House File 524, the Board of Medicine is required to adopt a rule to review and approve recommendations on qualifying medical conditions and appropriate dosages for the use of medical cannabidiol. The recommendations are made by the Iowa Department of Public Health's Medical Cannabidiol Board.

The proposed rule, published as ARC 3675C in the March 14 issue of the Iowa Administrative Bulletin, requires the Medical Cannabidiol Board to submit recommendations and supporting documentation to the Board of Medicine. In considering a recommendation, the Board of Medicine may also seek information from other sources. If the recommendation is approved by the Board of Medicine, then it shall be adopted by rule by the Iowa Department of Public Health.

Written comments on the Board of Medicine's rule must be received by 4:30 p.m. April 4. Comments should be directed to Mark Bowden, Executive Director, Board of Medicine, 400 SW Eighth Street, Suite C, Des Moines, IA 50309; email – mark.bowden@iowa.gov

The following rule-making action is proposed:

Adopt the following **new** rule 653—13.15(124E,147,148,272C):

653—13.15(124E,147,148,272C) Standards of practice—medical cannabidiol.

13.15(1) Definitions. For purposes of this rule:

“Board of medicine” means the board established pursuant to Iowa Code chapters 147 and 148.

“Bordering state” means the same as defined in Iowa Code section 331.910.

“Debilitating medical condition” means any of the following:

1. Cancer, if the underlying condition or treatment produces one or more of the following:

- Severe or chronic pain.
- Nausea or severe vomiting.
- Cachexia or severe wasting.

2. Multiple sclerosis with severe and persistent muscle spasms.

3. Seizures, including those characteristic of epilepsy.

4. AIDS or HIV as defined in Iowa Code section 141A.1.

5. Crohn’s disease.

6. Amyotrophic lateral sclerosis.

7. Any terminal illness, with a probable life expectancy of under one year, if the illness or its

treatment produces one or more of the following:

- Severe or chronic pain.
- Nausea or severe vomiting.
- Cachexia or severe wasting.

8. Parkinson’s disease.

9. Untreatable pain.

“Department” means the Iowa department of public health.

“Form and quantity” means the types and amounts of medical cannabidiol allowed to be dispensed to a patient or primary caregiver as approved by the department subject to recommendation by the medical cannabidiol board and approval by the board of medicine.

“Medical cannabidiol” means any pharmaceutical grade cannabinoid found in the plant *Cannabis sativa* L. or *Cannabis indica* or any other preparation thereof that has a tetrahydrocannabinol level of no more than 3 percent and that is delivered in a form recommended by the medical cannabidiol board, approved by the board of medicine, and adopted by the department pursuant to rule.

“*Medical cannabidiol board*” means the board established pursuant to Iowa Code section 124E.5.

“*Primary caregiver*” means a person who is a resident of this state or a bordering state, including but not limited to a parent or legal guardian, at least 18 years of age, who has been designated by a patient’s health care practitioner as a necessary caretaker taking responsibility for managing the well-being of the patient with respect to the use of medical cannabidiol pursuant to the provisions of this chapter.

“*Untreatable pain*” means any pain whose cause cannot be removed and, according to generally accepted medical practice, the full range of pain management modalities appropriate for the patient has been used without adequate result or with intolerable side effects.

“*Written certification*” means a document signed by a physician licensed pursuant to Iowa Code chapter 148 with whom the patient has established a patient-physician relationship and who is the patient’s primary care provider which states that the patient has a debilitating medical condition and identifies that condition and provides any other relevant information.

13.15(2) *Written certification.* A physician who is a patient’s primary care provider may provide the patient a written certification of diagnosis if, after examining and treating the patient, the physician determines, in the physician’s medical judgment, that the patient suffers from a debilitating medical condition that qualifies for the use of medical cannabidiol pursuant to Iowa Code chapter 124E.

a. The physician shall provide explanatory information as provided by the department to the patient about the therapeutic use of medical cannabidiol and the possible risks, benefits, and side effects of the proposed treatment.

b. Subsequently, the physician shall do the following:

(1) Determine, on an annual basis, if the patient continues to suffer from a debilitating medical condition and, if so, may issue the patient a new written certification of that diagnosis.

(2) Otherwise comply with all requirements established by the department pursuant to rule.

c. A physician may provide, but has no duty to provide, a written certification pursuant to this rule.

13.15(3) *Adding or removing debilitating medical conditions and amending form and quantity of medical cannabidiol.* Recommendations made by the medical cannabidiol board pursuant to Iowa Code section 124E.5 relating to the addition or removal of allowable debilitating medical conditions for which the medical use of cannabidiol would be medically beneficial or to the amendment of the form and quantity of allowable medical uses of cannabidiol shall be made to the board of medicine for consideration. The medical cannabidiol board shall submit a written recommendation, a copy of the petition and all other information received during consideration of the petition. The board of medicine shall consider the information received from the medical cannabidiol board and may seek information from other sources if it is deemed relevant by the board of medicine. The decision regarding a recommendation by the medical cannabidiol board is at the sole discretion of the board of medicine. The board of medicine shall make its decision within 180 days of receipt of the recommendation from the medical cannabidiol board. If the recommendation is approved by the board of medicine, it shall be adopted by rule.

13.15(4) *Financial interests.* A physician shall not share office space with, accept referrals from, or have any financial relationship with a medical cannabidiol manufacturer or dispensary.

13.15(5) *Criminal prosecution.* A physician, including any authorized agent or employee thereof, shall not be subject to prosecution for the unlawful certification, possession, or administration of marijuana under the laws of this state for activities arising directly out of or directly related to the certification or use of medical cannabidiol in the treatment of a patient diagnosed with a debilitating medical condition as authorized by Iowa Code chapter 124E.

13.15(6) *Civil or disciplinary penalties.* A physician, including any authorized agent or employee thereof, shall not be subject to any civil or disciplinary penalties by the board of medicine or any business, occupational, or professional licensing board or entity, solely for activities conducted relating to a patient's possession or use of medical cannabidiol as authorized by Iowa Code chapter 124E. Nothing in this rule prevents the board of medicine from taking action in response to violations of any other sections of law or rule.

13.15(7) *Grounds for discipline.* A physician may be subject to disciplinary action for violation

of these rules or the rules found in 653—Chapter 23. Grounds for discipline include, but are not limited to, the following:

a. The physician provides an individual a written certification without establishing a patient-physician relationship, including examining and treating the individual, or without being the individual's primary care provider.

b. The physician provides a patient a written certification without determining, in the physician's medical judgment, that the patient suffers from a debilitating medical condition that qualifies for the use of medical cannabidiol pursuant to Iowa Code chapter 124E.

c. The physician provides a patient a written certification without providing explanatory information as provided by the department to the patient about the therapeutic use of medical cannabidiol and the possible risks, benefits, and side effects of the proposed treatment.

d. The physician provides an individual a new written certification without determining, on an annual basis, that the patient continues to suffer from a debilitating medical condition.

e. The physician shares office space with, accepts referrals from, or has a financial relationship with a medical cannabidiol manufacturer or dispensary.

This rule is intended to implement Iowa Code chapters 124E, 147, 148 and 272C.